



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
June 16, 2015

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Elizabeth G. Hulse, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens. Members of the press present: Ray Chandler/Anderson Independent, Dick Mangrum/WGOG Radio & Steven Bradley/The Daily Journal.

Call to Order

Mr. McCall called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. John Dalen addressed Council regarding various issues including MERS, the budget and his opposition to passage of Resolution R2015-11[handout provided and filed with these minutes].

Mr. Gary Littlefield addressed Council voicing concerns with Ordinance 2015-18 utilizing a PowerPoint slide [copy filed with these minutes]; specifically requesting how the ordinance would affect the bar at the southern end of Lake Keowee.

Mr. Ben Turetzky addressed Council regarding Act 388's impact on the county budget and the need for increasing millage; support for Upstate Alliance; and the need for ongoing Economic Development activities.

County Council Response to Public Comment

None at this meeting.

Moment of Silence

Mr. McCall asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Dexter led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 4 – 0 – 1 [Ms. Cammick abstained – form filed with these minutes] to approve the June 2, 2015 regular meeting minutes as presented.

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the June 9, 2015 special meeting minutes as presented.

First & Final Reading of the Following Proclamations:

Proclamation P2015-07 “HONORING OCONEE MACHINE & TOOL AT THEIR 50TH ANNIVERSARY”

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Proclamation P2015-07** on first and final reading.

Mr. Thrift stepped forward to present the Proclamation to the family owners from Oconee Machine & Tool.

Administrator’s Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public’s benefit specifics related to the following matters before Council at this meeting:

- Public Hearings: 2015-17
- Third & Final Readings: 2015-01, 2015-02, 2015-03, 2015-17
- Second Reading for Ordinances: 2015-18, 2015-19
- First Reading for Ordinances: 2015-20, 2015-21
- First & Final Reading for Resolutions: R2015-11, R2015-12
- Discussion Items
- Council Committee Report
- Old Business
- Executive Session

Mr. Moulder also noted that he had information requested at a previous meeting regarding capital project funding options to be discussed as part of the Ordinance 2015-01 discussions.

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to amend the agenda to add discussion of a litigation matter to Executive Session.

Public Hearings regarding the Following Ordinances

Ordinance 2015-17 “AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 9, SECTION 2-400(a) (OCONEE COUNTY CONSERVATION BANK BOARD MEMBERSHIP) OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO”

Mr. McCall opened the floor for Public Comment.

Mr. McCall asked if any citizens wished to address Council – no citizens addressed Council.

Mr. McCall asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-17**.

Third & Final Reading of the Following Ordinances

Ordinance 2015-01 “AN ORDINANCE TO ESTABLISH THE BUDGET FOR OCONEE COUNTY AND TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY COUNTY PURPOSES, FOR THE TRI-COUNTY TECHNICAL COLLEGE SPECIAL REVENUE FUND, FOR THE ROAD MAINTENANCE SPECIAL REVENUE FUND, FOR THE VICTIM SERVICES SPECIAL REVENUE FUND, FOR THE BRIDGE AND CULVERT CAPITAL PROJECT FUND, AND FOR THE ECONOMIC DEVELOPMENT CAPITAL PROJECT FUND, ALL IN OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016”

Mr. Cain made a motion, seconded by Mr. Thrift to approve **Ordinance 2015-01** on third and final reading. Discussion followed.

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to amend **Ordinance 2015-01** to adopt the budget document [copy filed with these minutes] as presented at the meeting *[to include a \$1,200 pay raise for all county full time employees on their anniversary date]*.

Mr. McCall called for the vote. The motion to approve **Ordinance 2015-01** on third and final reading as amended was approved 5 – 0.

Bond Opportunities for Capital Projects:

Mr. Moulder addressed Council at this time and presented options [copy filed with these minutes] for funding capital projects identified by Council and through the strategic plan. Discussion followed. Council took this matter under advisement and requested that Mr. Moulder email the document so that they can further study the options.

Ordinance 2015-02 “AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the “School District”) AND TO PROVIDE FOR THE LEVY OF TAXES FOR THE OPERATIONS OF THE SCHOOL DISTRICT OF OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016”

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-02** on third and final reading.

Ordinance 2015-03 “AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT AND TO ESTABLISH THE BUDGET FOR THE KEOWEE FIRE SPECIAL TAX DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016”

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-03** on third and final reading.

Ordinance 2015-17 “AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 9, SECTION 2-400(a) (OCONEE COUNTY **CONSERVATION BANK BOARD MEMBERSHIP**) OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO”

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinance 2015-17** on third and final reading.

Second Reading of the Following Ordinances

Ordinance 2015-18 “AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2, SECTION 12-34 OF THE OCONEE COUNTY CODE OF ORDINANCES, IN CERTAIN LIMITED REGARDS AND PARTICULARS ONLY; REGARDING **NOISE REGULATIONS** OF THE COUNTY, AND OTHER MATTERS RELATED THERETO”

Mr. Cain made a motion, seconded by Mr. Thrift to approve **Ordinance 2015-18** on second reading.

Lengthy discussion followed regarding various aspects of the ordinance to include but not limited to: subjective vs. objective measurements; definition of “outdoor concerts”; implications for existing facilities on Lake Keowee; hours of concert; measurement thresholds; potential effect on tourism; referring the matter to the Planning Commission as it has a land use component; possibility to defer second reading until after Planning Commission review; Council intent with ordinance; and time frame to comply with ordinance. Council questioned the Sheriff regarding implementation.

During discussions Council took a brief break between 7:42 p.m. to 7:47 p.m.

Mr. Cain amended his motion, Mr. Thrift amended his second to approve **Ordinance 2015-18** on second reading and to refer the matter to the Planning Commission for their review and recommendation with the proviso that they report back no later than July 9, 2015.

Mr. McCall called for the vote. The motion to approve **Ordinance 2015-18** on second reading as amended was approved 5 – 0.

Ordinance 2015-19 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE FINANCE AGREEMENT AMONG OCONEE COUNTY, SOUTH CAROLINA AND COMPANY OR COMPANIES KNOWN TO THE COUNTY AS **PROJECT CRYSTAL**, WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL RECEIVE CERTAIN INFRASTRUCTURE CREDITS IN RESPECT OF INVESTMENT IN RELATED INFRASTRUCTURE; AND OTHER MATTERS RELATED THERETO”.

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Ordinances 2015-19** on second reading.

First Reading of the Following Ordinances

Ordinance 2015-20 “AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO”

[re: Project Crystal]

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinances 2015-20** on first reading.

Ordinance 2015-21 *[In Title Only]* “AN ORDINANCE AMENDING CHAPTER 4 OF THE OCONEE COUNTY CODE OF ORDINANCES PERTAINING TO ANIMALS, IN LIMITED REGARDS AND PARTICULARS ONLY; AND OTHER MATTERS RELATED THERETO”

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 5 – 0 to remove **Ordinances 2015-21** permanently from consideration by Council.

First & Final Reading of the Following Resolutions

Resolution R2015-11 “A RESOLUTION TO CREATE A **COMMUNITY RELATIONS COUNCIL** IN OCONEE COUNTY, SOUTH CAROLINA”

Mr. Moulder reported on his research regarding the role and responsibilities of a Community Relations Council and its impact on other communities. Mr. Moulder recommended that Council not establish the Council as he deemed it to not be in the best interests of Oconee County. Discussion followed.

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to remove **Resolution R2015-11** permanently from consideration by Council.

Resolution R2015-12 “A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY IN OCONEE COUNTY, SOUTH CAROLINA, BY OCONEE COUNTY”

Mr. Cain made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve **Resolution R2015-12** on first and final reading.

Discussion Regarding Action Items

ITB 14-19 / Lonely Road Box Culvert / Roads & Bridges / \$130,317.12

Mr. Moulder addressed Council regarding this matter.

Mr. Thrift noted a family member was involved with this bid; therefore, he abstained from discussion and voting on the matter [copy of abstention form filed with these minutes].

Mr. Dexter made a motion, seconded by Ms. Cammick, approved 4 – 0 - 1 to [1] approve the award of ITB 14-19, Lonely Road Box Culvert to Thrift Development, Inc., of Seneca, SC in the amount of \$118,470.12, with a 10% contingency of \$11,847.00, for a total award of \$130,317.12.

Mr. Cain made a motion, seconded by Ms. Cammick, approved 4 – 0 – 1 to also authorize the County Administrator to approve any change orders within the contingency amount.

Local ATAX Grants / \$37,500

Mr. Moulder addressed Council regarding this matter.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the Local ATAX grants as presented for the projects listed on the backup material.

Mountain Lakes Convention Visitor’s Bureau [CVB] FY 2015-2016 Funding

Mr. Moulder addressed Council regarding this matter.

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 4 – 1 [Ms. Cammick opposed] to approve \$132,000 from State and Local ATAX accounts.

ITB 14-13 / Printing & Mailing All Types Tax Notices / \$169,531.00

Mr. Moulder addressed Council regarding this matter.

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to [1] Award Bid # 14-13 Printing & Mailing of All Type Tax Notices to Laser Print Plus of Columbia, SC, for an estimated amount of \$169,531.00 for one year, with an option to renew for four additional one-year periods, and [2] authorize the County Administrator to renew the bid for up to four one-year periods, provided their work is satisfactory.

RFP 14-12 / Institutional Healthcare Services / Detention Center / \$254,820.00

Ms. Robyn Courtright, Procurement Director, along with Mr. Moulder addressed Council regarding this matter.

Ms. Cammick made a motion, seconded by Mr. Thrift, approved 5 – 0 to [1] award of RFP 14-12, Institutional Healthcare Services to Southern Health Partners of Chattanooga, TN, in the amount of \$254,820.00; [2] approve any additions to the "Cost Pool" as long as the medical budget for the detention center is not exceeded, and [3] authorize the County Administrator to renew this contract for an additional four years, as long as the amount does not exceed the medical amount budgeted for the Detention Center.

PO#51244, Change Order #1 / \$7,300 / Engineering Services / Mauldin Bridge Road / Total \$62,675

Ms. Robyn Courtright, Procurement Director, along with Mr. Moulder addressed Council regarding this matter.

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to award \$7,300 for Change Order #1 on PO 51244 to Davis & Floyd, Inc., of Greenwood, SC for additional engineering services for Mauldin Mill Road over Richland Creek; bringing the PO total to \$62,675.

Council Committee Reports

Planning & Economic Development Committee / Mr. Cain

Mr. Cain read from a written statement [copy filed with these minutes] highlighting discussions and recommendations from the June 9, 2015 meeting.

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to affirm the Committee's recommendation to have the Administrator work with the Oconee Economic Alliance Director to move forward with the OITP timber harvesting plan as presented.

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Old Business:

Mortgage Electronic Registration Systems [MERS] Lawsuit / Mr. Moulder

Mr. Moulder reported to Council his findings related to the MERS litigation and the recording of documents in our county. He noted that in May 2015 a Motion to Dismiss by the defendant was denied by the court. Next he outlined the pros and cons of joining the suit as follows:

- Pros:
 - Award would be after costs and the attorney's 45% off the top
 - If no award no cost to county
 - If join and the suit is won the county would receive portion without expending funds
- Cons:
 - May incur some legal expenses
 - Required to sign retainer with existing plaintiff attorney
 - If we retain our own council we would have to pay them and petition court to have our own council – this request could be denied
 - Potential for sovereign citizen lawsuits
- Other:
 - If we don't join and the case is won by the plaintiffs; then the defendant appeals and if they don't overturn the courts first ruling than the order would affect all SC counties whether in the suit or not.

Mr. Cain made a motion, seconded by Mr. Thrift to authorize the Administrator to execute the necessary documents to have Oconee County join the suit. Discussion followed.

Mr. Cain and Mr. Thrift withdrew their motion and second.

Council requested that the Administrator check with other administrator's to identify why they have not yet joined the litigation. Additionally, Mr. Martin stated he would do same with his attorney list serve group.

Tri County Technical College [TCTC] / \$6.75 Million / Letter of Support for Student Success Center

Prior to action, Mr. Moulder noted that he had received a Memorandum of Understanding [MOU] from TCTC for development of an Oconee County campus. He noted that TCTC has executed the document but the City of Seneca nor the county have done so yet. Discussion followed.

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to prepare a letter of support for Tri County Technical College in the amount of \$6.75 million for their Student Success Center with funding to begin in FY2016-2017 [*copy of letter will be added to the backup filed with these minutes*].

Ordinance 2014-24: Indemnification Ordinance

Ms. Cammick made a motion, seconded by Mr. Cain to withdraw the indemnification ordinance. Discussion followed.

Mr. Martin stated that an ordinance cannot be removed by a simple vote; that it requires an ordinance to rescind. He noted that Council could make a motion to amend the agenda to have first reading in title only of an ordinance to rescind the indemnification ordinance.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to amend the agenda to add first reading in title only of an ordinance to rescind Ordinance 2014-24.

Ms. Cammick made a motion, seconded by Mr. Cain, to approve **Ordinance 2015-22** on first reading in title only [CAPTION TO BE DRAFTED BY ATTORNEY] which will rescind **Ordinance 2014-24** “*AN ORDINANCE AUTHORIZING AND DIRECTING THE PROVISION OF COUNTY-FUNDED LEGAL REPRESENTATION, DEFENSE, AND LIMITED INDEMNIFICATION FOR OCONEE COUNTY EMPLOYEES IN CERTAIN LIMITED CIRCUMSTANCES INVOLVING THE DIRECTION AND PERFORMANCE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO*”

New Business:

Broadband Project / Litigation

Ms. Cammick suggested that Council authorize hiring a consultant to help manage the Broadband project to assist with moving forward as little progress has been made to date. Discussion followed. Mr. Moulder stated that he would follow up on this request.

Executive Session:

Mr. Cain made a motion, seconded by Mr. Dexter, approved 5 – 0 to enter Executive Session for the purpose of discussing an Economic Development matter, a litigation matter and two personnel matters.

Council entered Executive Session at 9:22 p.m.

Council returned from Executive Session at 10:24 p.m. on a motion by Mr. Cain, seconded by Mr. Thrift, approved 5 – 0.

Mr. McCall stated that no action was taken in Executive Session.

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to direct the Administrator to proceed as discussed in Executive Session regarding the Economic Development Project Mackinaw.

Adjourn

Mr. Dexter made a motion, approved unanimously 5 – 0, to adjourn at 10:25 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council